



France

Country Reports on Human Rights Practices - [2000](#)

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France is a constitutional democracy with a directly elected president and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. The police committed one extrajudicial killing. There were instances of the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline; however, in October there were over 100 anti-Semitic incidents, including firebombings. The Government has taken important steps to deal with violence against women and children. The Government took steps to combat trafficking in women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings by government officials.

Law enforcement officers have used excessive force--particularly directed against immigrants--resulting in deaths, although there is no evidence of a pattern of such abuses.

In April a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and that he was firing in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty, detained, and was charged with murder. The case was under investigation at year's end. The incident was followed by peaceful daytime demonstrations in Lille to protest the killing, and 3 nights of rioting.

There were no developments in the judicial investigation of a police officer who shot and killed 17-year-old Habib Mohamed in Toulouse in 1998. Mohamed allegedly staggered away injured after being shot. The police officers involved reportedly failed to follow him, and also failed to follow required procedures to report that their weapons were fired. The investigation continued at year's end.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died following police intervention in a violent domestic disturbance, continued at year's end. The police had fired rubber bullets at Saoud and restrained him physically.

In February the public prosecutor recommended to the investigating judge that no charges be brought against two of the police officers involved in the 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane. In March the investigating judge disagreed, and ruled that the police officers should be tried by the Court of Assizes. In October the chambre d'accusation (the prosecuting chamber of the criminal court) of the Paris Court of Appeals ruled that the charges against two of the officers should be dropped. The same court charged a third policeman in December; he is expected to be tried by the Court of Assizes. An appeal was pending at year's end.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer appealed the court's decision, and on January 5, the Court of Cassation ruled in his favor and reversed the decision of the appeals court.

The trial of three police officers involved in the 1991 death of 18-year-old Aissa Ilich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication, was scheduled to begin in January 2001. A case against a doctor still was pending at year's end.

On April 19, a bomb exploded at a restaurant near Dinan, and killed a female employee. The "Breton Resistance Army" claimed responsibility for an earlier bomb in Pornic, which damaged buildings but caused no injuries, but denied responsibility for the Dinan bombing; however, the police determined that similar explosives were used in both incidents. According to press reports, the investigation was at a standstill by year's end.

The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end. According to press reports, a total of nine persons have been detained in connection the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large and was believed to be hiding on the island at year's end.

In June 1999, SOS-Attentats organization (the nongovernmental organization (NGO) which represents the 170 persons who were killed in the 1989 bombing of UTA Flight 772) brought a civil case against Libyan leader Mu'ammar al-Qadhafi for "aiding and abetting voluntary homicide." In October 1999, the Paris prosecutor's office challenged the antiterrorism magistrate's decision to investigate the civil complaint, and the case reached the Court of Appeals on September 8. The Court ruled that Qadhafi had no sovereign immunity for terrorist acts. In October the Paris prosecutor's office appealed this decision to the Court of Cassation. A final decision is expected in May or June 2001.

In September 1999, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication *Lettre d'Orient* announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The Chambre d'Accusation reviewed the investigating judge's decision in November 1999 and agreed in December 1999 that the case should be sent to the Court of Assizes for a trial. The deliberations of the Court of Assizes continued at year's end.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the authorities punish officials who employ them. There were reports that law enforcement officers used excessive force, particularly against immigrants; however, no complaints or criminal reports were filed. Isolated instances of police abuse occurred, but there is no evidence of a pattern of abuse.

In May the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, visited the country as part of its regular program of periodic visits to member states. A report is expected in 2001.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. In June Parliament passed a law that created a national commission on security ethics to oversee the actions of law enforcement officials and to investigate

complaints of police abuse from witnesses or victims; the commission subsequently was established.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. According to eyewitnesses, the police allegedly used excessive force by beating demonstrators and using tear gas grenades to keep the anti-FN demonstrators away from their FN counterparts.

In July 1999, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, in response to accusations by two Mauritanian refugees living in France. The refugees alleged that Dah was responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him in September 1999, but required that he remain in the country. In April Dah violated the terms of his release and returned to Mauritania. According to the International Federation of Human Rights Leagues, the Court of Appeals continued to investigate the allegations at year's end.

In December 1999 and January, the main Corsican separatist groups agreed to a "cease fire" in order to allow elected Corsican officials to engage in a dialog with the Government. In July the Government and Corsican officials agreed to a plan that would give more legislative authority to Corsica's elected officials. Although the cease fire is still in effect, after the July agreement there were several bombings in Corsica (with some minor injuries) and one shooting attack in which Jean-Michel Rossi, a writer and former Corsica nationalist militant, and his bodyguard, Jean-Claude Fratacci, were killed. In December a bomb exploded at the police barracks in Corsica; a policeman was injured.

Prison conditions generally exceed minimum international standards; however, public debate continued on the adequacy of prison conditions. According to the Ministry of Justice, there were 262 deaths of persons in custody in 1999, of which 125 were suicides. In May the NGO International Observer of Prisons (IOP) published a report that criticized prison conditions. The report concluded that prisons are overcrowded, have unacceptable hygienic conditions, and provide inadequate food to inmates. The report focused on the problems that result from overcrowded prison cells and stated that as of December 1, 1999, the average rate of occupation in prisons was 119 percent of intended capacity. There were no reports of incidents of alleged brutality by prison guards during the year; however, the IOP reported in May that two such incidents occurred in 1999.

On July 5, the National Assembly and Senate each released the conclusions of a special investigation that each body performed concerning prison conditions. The investigations were prompted by a book written by Veronique Vasseur, the head medical officer at La Sante prison in Paris, which was published in January. Vasseur's book criticized living conditions and the availability of health care in La Sante prison, and led to public debate over general prison conditions. After 5 months of investigations, the National Assembly and Senate each concluded that prison reforms were necessary; however, their reform proposals differed. The National Assembly noted a vast difference in prison conditions across the country and concluded that a prison reform law was needed to mandate universal standards for all prisons. The Senate, noting more specific problems such as overcrowded cells and inadequate numbers of guards, concluded that a universal law would not be effective and instead recommended that the Government focus on specific problems requiring more immediate attention.

Observers have criticized the current prison oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials. In March the working group known as the Canivet Commission delivered its report on a draft code of ethics for prison guards to the Minister of Justice. Among other things, the commission recommended creating an office of prison inspectors, headed by a person named by the President, which would have the power to conduct investigations and to evaluate prison conditions and policies. The Government was considering this recommendation and the possibility of a code of ethics for prison guards at year's end.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions.

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, approximately 18,100 of the 51,411 persons held in jails and prisons were awaiting trial. A system of bail exists.

In June Parliament passed the "presumption of innocence" bill, which includes provisions that address pretrial detention and which are designed to reduce the number of persons held in jails and prisons awaiting trial; however, none of the bill's provisions were in effect at year's end. The bill establishes a new system of "detention judges" (to be implemented in 2001), who are to decide if a suspect is to be kept in detention pending trial. Generally pretrial detention only is allowed if there is a possibility that the suspect may be sentenced (if convicted) to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. The bill also gives detainees the right to see their lawyer 1 hour after being detained by the police.

On October 31, the Paris correctional court released the last of the 53 suspects who had been arrested in May 1998 in a roundup of suspected Islamic terrorists. The court cited insufficient evidence.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. In January the Court of Cassation announced that defendants no longer would be required to present themselves to be taken into custody in order to pursue an appeal to the Court of Cassation. The "presumption of innocence" bill, passed by the Parliament in June (see Section 1.d.) contains a provision that allows defendants to seek "reexamination" of a court decision that has been found by the European Court of Human Rights (ECHR) to have violated the European Convention on Human Rights.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.).

On May 23, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Leonardus Van Pelt. Van Pelt was arrested for drug trafficking in Spain in January 1987, extradited to France in November 1987, tried, and convicted in February 1990 by the Bobigny District Court. He challenged aspects of subsequent appeals proceedings, including the requirement that he present himself to be taken into custody by law enforcement officials in order to pursue an appeal before the Court of Cassation. The ECHR ruled that some of these proceedings violated Van Pelt's right to a fair trial.

On July 20, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Adrian Caloc. The Court rejected Caloc's argument that he had been "treated in an inhuman or degrading manner" by police authorities when he was arrested in 1998, but the Court ruled that Caloc's complaint against the police was not heard and decided within a "reasonable amount of time." Because of lengthy police investigations and numerous appeals, it took more than 7 years for Caloc to obtain a final decision on his complaint.

In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried (see Section 1.d.). The chambre d'accusation reviews the investigating judge's investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

In March the Paris Court of Appeal reconsidered the convictions of 33 of the 138 persons tried in the October 1998 "Chalabi network" case. The court cleared four persons of all charges and released them; it upheld the convictions and sentences of the other persons.

As a result of the motion for retrial submitted in January 1999, new evidence was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. The resulting reports are scheduled to be released in the spring of 2001, at which time the Court of Cassation may decide to revise the original verdict.

Raddad's attorney had argued that a key defense witness in the original trial was expelled on a technicality.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

The judge investigating the wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) completed his investigation at the end of 1999 and presented his findings to the Paris public prosecutor's office in February; the office was considering the matter at year's end. According to the annual report of the NCRWT, the number of administrative wiretaps put in place in 1999 remained constant. The quota on the number of administrative wiretaps, which was set by the Prime Minister in 1997, did not change during 1999, and the number of administrative wiretaps put in place during 1999 was below the quota. Wiretapping is recognized legally as a right of the Government.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

On May 22, the Paris district court ruled that an Internet company violated the law by permitting the public display of Nazi artifacts for sale on the Internet (see Section 5).

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice. There are regular demonstrations on various issues, which occur generally without incident. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration involving 10,000 participants. The Church alleged discrimination; however, the prefecture justified the denial based upon the proposed size and duration of the demonstration, which would make it difficult to maintain public order. The group rented a private park outside Paris in which to hold their gathering.

In December police clashed with demonstrators protesting the European Union summit held in Nice. The protesters used Molotov cocktail bombs, stones, and steel police barriers; police responded with tear gas, water cannons, and clubs. More than 20 persons were injured in clashes between police and protesters. On December 6, approximately 12 persons were injured when police officers used tear gas to prevent demonstrators in Ventimiglia from travelling to the summit.

c. Freedom of Religion

The law provides for freedom of religion and the separation of church and state, and the Government generally respects this right in practice; however, the Government took some actions during the year that affected religious minorities that it describes as "sects." The 1905 law on separation of church and state--the foundation of current legislation on religious freedom--makes it illegal to discriminate on the basis of faith.

Religious groups may register as "associations cultuelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt

status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status; however, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The State subsidizes private schools, including those that are church affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, debate continued over whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion. Various courts and government bodies have considered the question; however, there has been no definitive national decision on the issue. In June 1999, the Government Commissioner recommended that the administrative court repeal its October 1998 to expel a girl who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision. In October 1999, the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1996 the National Assembly's parliamentary commission, also known as the Gest or the Guyard Commission, issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "antisocial" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report.

The Government has not outlawed any of the groups on the list; however, the ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. A number of individuals who belong to groups on the list continued to report discrimination during the year--for example, the loss of a job or the denial of a bank loan--which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "resulted in media reports libeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their effort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In March a Paris Correctional Court fined Jacques Guyard, the president of the parliamentary commission and a drafter of the 1996 National Assembly report on so-called sects, approximately \$2,850 (20,000 francs) in response to complaints by three groups that were named in a parliamentary commission's June 1999 report on the financing of religious groups named in the original report. The court also ordered Guyard to pay approximately \$12,850 (90,000 francs) in damages. The Federation of Steiner Schools, the New Brotherly

Economy, and "le Mercure Federale" (an anthroposophical medical association) had filed a complaint against Guyard for slander for calling the groups "sects" in a June 1999 television interview. The court found that Guyard had made accusations against these groups when existing evidence did not warrant even a serious inquiry into their activities. The court noted that the parliamentary commission's report resulted from written declarations from persons claiming to be victims of anthroposophy, but that the parliamentary commission had not heard any of the claims in person, and that there was no supporting documentation for accusations that the groups had used mental manipulation, pressured persons to give them money, or used practical medicine that endangered lives. The court rejected Guyard's attempts to qualify his statements, and also rejected a request from Guyard's lawyer for parliamentary immunity. The 1999 report in question focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (mission interministerielle de lutte contre les sectes). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission also is charged with serving as a coordinator of periodic interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects. In December 1998, the Ministry of Justice issued a circular urging state prosecutors to cooperate with the Interministerial Mission in bringing actions against sects.

On February 7, the Interministerial Mission submitted its 1999 annual report to the Prime Minister, which addressed the perceived problem of sects or cults. The report specifically raised the possibility of the dissolution of movements which, being "in essence and in action totalitarian" are dangerous to their members and to democracy in general. The report urges government action to deal with sects or cults according to their degrees of dangerousness, such as groups that limit personal freedoms of members, "new age" groups, and "absolutist" groups which are totalitarian in nature. However, the report does not advocate new legislation to abolish groups considered to be dangerous. The report presents two options: The use of criminal cases against individuals for violating existing laws, which rarely is done; and the use of existing administrative and political means--a 1936 decree against "factious leagues"--which would require action by the Council of Ministers and the assent of the President. The report specifically cites concerns regarding the Church of Scientology and the "Solar Temple" group.

On December 21, the Interministerial Mission against Sects submitted its 2000 annual report. The report highlighted the globalization of sect/cult influence, specifically in underdeveloped countries and focused on the "infiltration" of NGO's by sects/cults. Within the context of developments within the country, the report evaluated the influence of sect/cult movements in the three overseas departments (Guyana, Guadeloupe, and Martinique). A case study examined the anthroposophical movement, founded by Austrian Rudolf Steiner, and recommended sustained vigilance over the Steiner schools.

On June 22, the National Assembly passed on its first reading a private bill that would tighten restrictions on religious and other organizations. This bill--which amended an earlier version that had originated in and had been passed by the Senate in December 1999--included the following clauses: (1) criteria for the dissolution of so-called "sects," (2) the prohibition of sect publicity in "vulnerable" areas (i.e., near schools and hospitals), (3) prohibition of the reconstitution of dissolved "sects" under a different name, and (4) establishment of the new crime of "mental manipulation." The Justice Minister at the time, who attended the National Assembly vote, noted that certain provisions of the bill would help "victims" of "sects," but warned that other provisions might threaten fundamental liberties, such as freedom of association and belief. She questioned whether certain clauses were in conformity with the European Convention on Human Rights and called for a "parallel reflection" on these points to be organized by human rights groups when the Senate reconsidered the bill. On November 8, the Senate held hearings on the bill. Representatives from the Catholic, Protestant, Jewish, and Muslim faiths, who had not been consulted previously, expressed their concerns that the provisions of the bill could be abused. The Senate was not expected to schedule the next reading of the bill until April 2001.

In December 1998, the National Assembly debated and passed a private bill that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. Its main provisions, with some modifications, were integrated into a separate bill on legal reform aimed at strengthening the presumption of innocence and victims' rights (see Section 1.d.). In June Parliament passed that bill, which contains a provision that allows some associations that aid individuals against groups that "create or exploit psychological or physical dependence" to become civil parties to certain criminal proceedings involving such groups. This provision is intended to allow antisect groups to become civil parties in certain proceedings involving sects.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize all branches of Jehovah's

Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to a 60 percent tax on all funds they receive. In June the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations according to the 1905 law and thus be exonerated from certain tax obligations.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The tax proceedings continued at year's end. In July a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that the Jehovah's Witnesses would have to pay over \$42 million (300 million francs) in back taxes to the fiscal authorities. In the same month the Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals, the appeal was pending at year's end.

The authorities previously took similar action against the Church of Scientology. In the case of the Paris church, the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes although the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently in December 1997, the Government filed legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January 1999, the Conseil d'Etat requested the advice of the European Court of Justice. On March 14, the Court ruled that French law was incompatible with European Union laws regulating the free flow of capital; however, the Court ruled that such regulations could be allowed if required on the grounds of a threat to public security or public policy. The Court ruled the French laws were not sufficiently detailed and, on December 8, the Conseil d'Etat found the State at fault and upheld the decision of the European Court of Justice. However, the judgment's practical effect was limited because the affected churches had dissolved themselves and been reconstituted in the intervening period under different names.

In July 1997, a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision, but in June 1999, the Court of Cassation rejected the Government's appeal, but the Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientology, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration (see Section 2.b.); the group held their gathering in a private park.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The law provides for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 1999 the Government received 30,907 requests for asylum and issued 4,659 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On September 24, voters approved a referendum to shorten the term of the President from 7 years to 5 years. Abstention rates for the vote were almost 70 percent.

There are no legal restrictions on the participation of women in politics or government; however, they remain significantly underrepresented in public offices, especially at the national level. Eleven of 32 cabinet members,

20 of 321 senators, and 57 of 577 deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence--40 percent of the country's elected representatives are female. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. In June 1999, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions." In May the Parliament adopted a law that implemented the constitutional amendment. The law provides that, starting with the municipal elections in March 2001, political parties are to have equal numbers of women and men on their lists of candidates. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)--which has nongovernmental as well as government members--also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

Women

The Penal Code prohibits rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior reported that in 1999 there were 7,958 rapes and 12,732 instances of other criminal sexual assault. The penalties for domestic violence vary according to the type of crime and range from 3 years imprisonment and a fine of approximately \$42,450 (300,000 francs) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women is a problem (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisor-subordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's indicates that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released in September 1999 by National Assembly Deputy Catherine Genisson indicated that in the country's 5,000 largest firms, the average difference in salary between men and women is 27 percent. A study by the National Institute of Statistics and Economic Studies indicated that in March the unemployment rate for women was 11.9 percent, compared with 8.5 percent for men.

Children

The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1999 there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Approximately 4,800 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is condemned widely by international health experts as damaging to both physical and psychological health. Authorities prosecute FGM cases under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. Since 1993 the Government and private associations have undertaken a campaign to inform immigrants that FGM is contrary to the law and would be prosecuted.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1991 law requires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

Religious Minorities

The number of anti-Semitic incidents increased in the fall, due in part to increased unrest in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in the spring, there were a total of 51 threats and 9 acts of violence in 1999, compared with 73 threats and 1 act of violence in 1998.

During October more than 100 anti-Semitic incidents, ranging from graffiti to harassment to firebombing, occurred across the country, mainly as a result of increasing tensions in the Middle East. For example, on October 10, a synagogue in Trappes was set on fire and destroyed. The city government allowed the congregation to use a city hall for the celebration of one of the Jewish high holy days. On October 12-14, local authorities in Strasbourg recovered several Molotov cocktails that had been planted in a synagogue. On October 14, a synagogue in Lyon was rammed by a car and then caught fire. Three synagogues in the Paris suburb of Bagnolet and a Jewish shop in Toulon were firebombed. On October 17, six incendiary devices were discovered outside a Jewish school in Paris. On October 23, a synagogue in Marseille was firebombed. It appeared that youths were responsible for many of these incidents, and some arrests were made. Government leaders, members of the Jewish community, the Paris Grand Mosque, the Protestant Federation, and the French Conference of Bishops strongly criticized the violence. The Government increased police security for Jewish institutions.

On May 22, the Paris district court ruled that an Internet company violated a law prohibiting defamation and incitement to hate crimes when it permitted the public display of Nazi artifacts for sale on the Internet. Following a hearing on July 24, the judge postponed implementation of the order. On November 21, a judge upheld the verdict, and ordered the company to block access from the country to sites offering Nazi memorabilia within 3 months.

In October 1999, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, 1999, he was arrested in Switzerland and returned to France; he remained in prison at year's end. In April Papon filed an appeal to the European Court of Human Rights; the appeal was pending at year's end.

National/Racial/Ethnic Minorities

Anti-immigrant sentiments led to various incidents, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted a continuing decrease in the number of reported incidents of racist threats--79 threats were reported in 1999, a decrease from 91 in 1998. However, the number of reported incidents of racist violence increased to 12 in 1999 from 8 in 1998. There were no deaths due to racist violence in 1999.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems. The annual NCCHR report suggested that the Government continue to strengthen its laws against racist acts.

According to the 1999 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 27 percent admitted to being "a little racist," 30 percent said they were "not very racist," 29 percent said that they were "not at all racist," and 2 percent had no response.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education. They often live in crowded conditions without proper sanitary facilities.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In 1997 Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government. The number of workdays lost to strike action in the private sector increased during the year, and the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Unions representing armored car workers mounted numerous strikes, including a 2-week national strike in May, to demand increased compensation and stricter security measures following several robberies in which several union members were killed. Air traffic controllers struck to protest European Union efforts to centralize air traffic control across Europe. Workers at two airlines struck during a busy spring travel period to protest anticipated job losses resulting from the takeover of their company by a foreign carrier. Truck drivers blocked border points and ports early in the year over concerns that European regulations for work-hours in their sector would deprive them of reductions called for under the move to a 35-hour workweek. In September owners of taxis, trucking companies, and fishing boats blockaded roads and ports over rising fuel prices.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision.

Unions freely join federations and confederations, including international bodies.

b. The Right to Organize and Bargain Collectively

Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels, but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and nonunion employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, including that performed by children, is prohibited by law, and the Government effectively enforces this provision.

d. Status of Child Labor Practices and Minimum Age for Employment

With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work

The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The hourly wage was changed to \$5.60 (42.02 francs) as of July 1. Since February the legal workweek is 35 hours for firms of 20 or more workers. Overtime, under the 35-hour workweek, is capped at 1,600 hours per year for most workers. Firms of less than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons

The law prohibits the trafficking of persons; however, trafficking in women is a problem. In the past, the country has been primarily a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe, despite stringent laws that prohibit such trafficking. The country is now also a destination for trafficked women, as increasing numbers of women from Eastern Europe, the former Soviet Union, and the Balkans are trafficked to work as prostitutes in cities, often under harsh conditions.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million francs). Penalties rise to up to 10 years in prison and up to approximately \$1,400,000 (10 million francs) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years

in prison and a fine of up to \$2,800,000 (20 million francs). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4,200,000 (30 million francs) in fines. These laws are enforced to various degrees--according to one press report, the most visible pimps are arrested, while those who work quietly go unnoticed.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans is under the authority of the central criminal investigation directorate of the police judiciaire, which handles organized crime. It centralizes information and coordinates operations to counter trafficking, and maintains contacts with the police, the Gendarmerie, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

In the past, the country was a transit point for victims; however, in 1997 police began to see organized rings of traffickers, primarily from southeast Europe. The number of young women brought to the country to work as prostitutes continues to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries, and are willing to continue the practice to pay for their immigration papers. In 1999 OCRTEH reported investigations into rings operating out of the Czech Republic, Bulgaria, Latvia, Nigeria, Cameroon, Albania, Ecuador, Benin, Poland, and the former Yugoslavia. Much of the flow is now from Eastern Europe and the Balkans, but women from Africa and Latin America, who often enter the country through Marseille or the Spanish border, also have been trafficked into the country.

The number of women from the former Soviet Union, Eastern Europe, and the Balkans has increased markedly, and has received increased press attention. For example, in March French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels. This network trafficked women from the former Yugoslavia through Italy into forced prostitution in Brussels and Paris. Police dismantled the ring after French officials noticed that a number of prostitutes were traveling two or three times a week to Brussels on the high-speed train, apparently to pay their "protectors." French officials arrested and extradited three Albanians. In January OCRTEH dismantled an Albanian trafficking ring in Toulouse. After reportedly being sequestered for several weeks and subjected to rape, torture, and threats against their families if they tried to escape, the women reportedly were sold for around \$1,250 (9,000 francs), which included a "guarantee" that they would work as prostitutes for 3 months.

In May the magazine *Le Nouvel Observateur* quoted the Commissaire of OCRTEH as saying that two-thirds of the foreign prostitutes in the country were from Eastern Europe (including the former Soviet Union), whereas in the previous few months, they represented only one-third. The magazine also reported that in Nice, women have responded to advertisements for waitresses or models that appeared in newspapers in Kiev or Moscow; and in Strasbourg, the number of prostitutes has more than doubled in the past 5 years--approximately two-thirds of the women are Czechs or Bulgarians.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue, and supports other associations in the country and around the world. The NGO *L'Amicale du Nid* works directly with prostitutes.

[End.]